

Appln. No. 10/782,118
Amendment dated March 6, 2006
Reply to Office Action mailed December 2, 2005

REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claim 13 remains in this application. Claims 1 through 12 and 14 through 18 have been cancelled. No claims have been withdrawn or added.

Paragraphs 1 through 5 of the Office Action

Claims 1 through 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kobayashi.

Claims 1 through 5 and 14 through 18 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ness in view of Mueller.

Claims 6 through 13 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ness in view of Mueller, and further in view of Faust.

Claim 13 has been written into independent form by including the requirements of claim 1 from which claim 13 formerly depended. Claim 13 requires, in part, that "said pair of spaced lower section panels being detachably coupled together and said pair of spaced upper section panels being detachably coupled together such that said pair of spaced lower section panels are completely separable from each other and said pair of spaced upper section panels are completely separable from each other".

It appears that the rejection of the Office Action concedes that the Ness patent does not disclose this feature of the claimed invention, as the Office Action states:

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Mueller shows a cushion assembly similar to that of Ness wherein the section panels 60 (Fig. 2) are detachably coupled to each other by complimentary, equally spaced snap portions 65,67 (Fig. 5) extending from the section panels that include a concave socket and a protrusion that forms a substantially frustaconical exterior surface.

It is then alleged in the rejection of the Office Action that:

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat cushion assembly of Ness such that the pair of spaced lower section panels are detachably coupled together, the pair of spaced upper section panels are detachably coupled to each other, each pair of panels are completely separable from each other, the upper section panels including snap portions that are joined together to couple the upper section panels, the lower section panels including snap portions that are joined together to couple the lower section panels wherein the snap portions are equally spaced and include a concave socket and a protrusion that form a substantially frustaconical exterior surface, such as the cushion assembly disclosed in Mueller. One would have been motivated to make such a modification in view of the suggestion in Mueller that the snap portions provide panels that are adjustable and replaceable with respect to another panel.

However, despite what Mueller patent might or might not disclose, it is clear that the primary patent (Ness) in this allegedly obvious combination leads one of ordinary skill in the art, considering the disclosure of Ness, away from any separability of the front (14) and rear (15) covers from each other. The Ness patent states at col. 1, lines 15 through 31 (emphasis added):

The invention further contemplates the provision of an inexpensive one piece mesh or net-like cover of synthetic plastic material for the major part of each face of the unit, the marginal portions of the cover being imperforate and secured to the corresponding marginal portion of the cover for the other face of the unit by means other than stitching.

The invention further contemplates the provision of a seat ventilator having mesh covers for the front and rear faces of the inner unit, the covers being resilient and heat sealed together at the edge portions thereof and made of sheet plastic material and of such shape and structure as to resume the original shape thereof when any load thereon has been released, the covering comprising channel-shaped elements of substantially uniform thickness of material.

Appln. No. 10/782,118
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It is submitted that one of ordinary skill in the art, reading this portion of Ness, would not be motivated by Mueller to make the cover separable, as Ness clearly sets forth that the covers are heat sealed together in a permanent manner. See also, Ness at col. 2. lines 14 through 41, where it states (emphasis added):

The entire casing for both seat and back units may be made of a single piece of material devoid of stitching and binding tape or other finishing or securing means. In that case, two spaced apart mesh areas for the central part of the front cover and two similar areas for the central part of the rear cover are separated by imperforate intermediate portions 18. Each cover also has imperforate marginal portions 19, the corresponding adjacent portions being suitably secured to each other as by heat sealing, indicated by the stippling in FIG. 1 at such-ports 18 and 19. Such sealing is possible when the covers are made, as contemplated herein, of suitable thin flexible plastic sheet material such as polyethylene. When made of one piece, the cover, before heat sealing, is folded in half along one edge as at the top edge 20 of the back member. When made of two pieces 14 and 15, the marginal portions 19 of the covers are heat sealed together, as are the intermediate portions 18 which form the hinge connection between the units. Obviously, the same type of mesh need not necessarily be used on both the front and back covers, but similar mesh is preferred to make the ventilator reversible. As shown in FIG. 2, the connected marginal portions 19 lie in about the same plane as that of the axes of the coils of the inner unit, that is, about half way between the front and rear faces of the ventilator. The connected intermediate hinge portions 18 are similarly arranged half way between the faces of the units.

Thus, the Ness patent clearly leads one of ordinary skill in the art away from any separability of the panels. Further, "adjustment" and "replacement" of the panels as suggested in the rejection of the Office Action, as impossible as such would be with the heat sealing of the edges of the covers together, is not contemplated by Ness as any separation of the covers would require reassembly of the covers with the rows of coils in the proper positions between the covers to maintain the cushioning effect of the coils. The Mueller structure lacks any intervening cushioning material or element, so Mueller does not teach one of ordinary skill in the art how this

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element of Ness should be handled or why this modification of Ness should be done.

It is submitted that the cited patents, and especially the allegedly obvious combination of Ness, Kobayashi, Faust, and Mueller set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 13.

Withdrawal of the §103(a) rejection of claim 13 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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